



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
ENVIRONMENTAL
CLEANUP

SEP 25 2013

Mr. Kelly Wright
Environmental Waste Management Program Manager
The Shoshone-Bannock Tribes of the Fort Hall Indian Reservation
P.O. Box 306
Fort Hall, Idaho 83203

Re: Shoshone-Bannock Superfund Program, Advanced Post-Award Monitoring Review, EPA
Cooperative Agreement Number V-00053310,

Dear Mr. Wright:

On August 22, 2013, the U.S. Environmental Protection Agency, Office of Environmental Cleanup, conducted an off-site Advanced Post-Award Monitoring Review of the EPA Cooperative Agreement Number V-00053310. The Cooperative Agreement was awarded to the Shoshone- Bannock Tribes (Tribes) on October 1, 2010 and ends October 31, 2013. The purpose of the Cooperative Agreement is to provide support to the Tribes for activities in support of EPA's work at the Eastern Michaud Flats (EMF) Superfund Site on and adjacent to the Fort Hall Indian Reservation.

The purpose of an Advanced Post-Award Monitoring Review is to systematically review the performance of a recipient on a specific grant or cooperative agreement. The EPA program staff conducts reviews with the recipient's program staff and works with them to resolve issues relating to completion of the project in accordance with the approved work plan and budget. The EPA program staff also discusses the overall management of the project from a technical perspective and compliance with programmatic terms and conditions and statutory requirements. This review was conducted by Jannine Jennings, EPA Remedial Project Manager, with your input and assistance during an August 22, 2013 conference call. Ricardo Solis and Beth Sheldrake were also present during the call.

Several problems were identified during the review including discrepancies between the expenditures reported on quarterly reports and those invoiced, questions regarding the applicable scope of work/workplan, and quarterly reports that did not include all the information identified in the terms and conditions of the agreement. The attached document summarizes our review.

The EPA is concerned about the current status of this cooperative agreement. The award agreement expires on October 31, 2013 and the Tribes are in the process of applying for a similar assistance agreement in support of EPA's Superfund actions at the EMF Site during the upcoming fiscal year. The EPA very much values the input of the Tribes at this Site and desires to continue to financially support the Tribes in those efforts. However, in order to continue to provide fiscal support, accurate records and reporting must be maintained.

Of particular concern to the EPA are the discrepancies identified between reported and invoiced expenditures. Since our review, the EPA understands that the Tribes have compiled information relative

to reported expenditures and drawdown requests over the life of the agreement and is in the process of addressing the differences. As you know, prior to grant close-out, all financial discrepancies must be resolved.

In light of the results from this review, the EPA will be considering adding additional Terms and Conditions to future awards. In addition, the Grants Administration Office has been notified of the findings and the cooperative agreement has been referred to them for action.

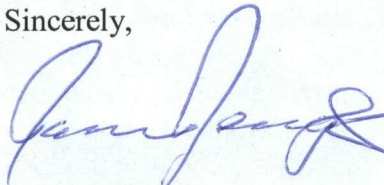
In an August 23, 2013 email you also indicated that you had made changes in your internal billing process so that detailed cost information will be provided to the Finance Department prior to them invoicing the EPA. The EPA concurs that such communication is important in ensuring that invoices accurately reflect costs incurred under each task and hopes this helps to remedy this issue in the future. Thank you for initiating this change.

The EPA would like to continue to work with the Tribes to resolve all of the issues identified during the recent Advanced Post-Award Monitoring Review. To assist in this, several action items were identified during the call and are outlined in the attached document. Completing each of these actions will help address the identified issues and facilitate timely close-out of this award agreement. In order to ensure all concerns and discrepancies are addressed, as we discussed during our review, the EPA requests that the Tribes submit a plan and time table for addressing each of the issues identified. Please submit this plan to Jannine Jennings by October 2, 2013. If we do not receive further clarification and documentation on these matters, the EPA will need to review the current documentation and request the Tribes return any funds that are not specifically justified in the record. If you would like further guidance on this matter, please contact me.

I appreciate the time and effort taken to prepare for our discussion and for your effort to follow-up on the issues identified during the discussion. It is our hope that this effort will assist the Shoshone-Bannock Tribes in effectively managing the assistance agreement and create an open dialogue between the EPA and your organization relative to the issues identified during the review.

The EPA looks forward to our continued work with the Shoshone-Bannock Tribes at the EMF Site. We appreciate your participation in this cleanup effort and hope that the Tribes will address the concerns found during this review in such a manner that we can continue to provide financial assistance to support the Tribe's involvement. Please contact me at 206-553-2724 if you have any questions about this Advanced Post-Award Monitoring Review, what is required to address issues identified during the review or any other issues related to this cooperative agreement.

Sincerely,



Jannine Jennings
Remedial Project Manager
Remedial Cleanup Program

Enclosure

Shoshone-Bannock Superfund Program
Cooperative Agreement Number V-00053310
August 22, 2013

Purpose of Review:

Advanced Post Award Monitoring

Describe the grant work-plan commitments:

The purpose of the Cooperative Agreement is to provide support to the Shoshone-Bannock Tribes (Tribes) for activities in support of EPA's work at the Eastern Michaud Flats (EMF) Superfund Site on and adjacent to the Fort Hall Indian Reservation.

Discuss previous recommendations if any exist:

No previous recommendations exist.

Participants:

Kelly Wright, Shoshone-Bannock Tribes

Jannine Jennings, Project Officer, EPA

Ricardo Solis, Superfund Grants Coordinator, EPA

Beth Sheldrake, Unit Manager, Remedial Cleanup Program, EPA

Program Synopsis:

Program Synopsis	Yes	No (Please provide detail)	N/A
Is payment history consistent with progress to date?		<p>Review identified that invoices submitted were not consistent with fiscal reporting included in the quarterly reports. A quick review of expenses reported in the 2013 quarterly reports for Task #1 - Off-Plant OU suggest the quarterly reports may more closely reflect actual expenditures. Kelly Wright agreed that this was a problem, stated he was not previously aware of the discrepancy and said he would discuss it with the Tribes accounting office. Mr. Wright agreed to provide an explanation and/or plan for reconciling the difference to Ms. Jennings by the end of the day.</p> <p>Mr. Wright was informed that reconciliation needed to occur prior to closeout of the agreement (recently extended to October 31, 2013).</p>	

		Mr. Wright was informed that the 2014 Superfund Cooperative Agreement would be awarded as a new agreement and would not be an amendment to this agreement as had been the case in 2012 and 2013. This will allow the opportunity to fully address the expenditure and payment history under this agreement and provide the Tribes a clean start on the next agreement. Consideration should be given to including appropriate conditions in the upcoming award to address this issue.	
Is the work under the agreement on schedule?		Work under the agreement is generally on schedule. However, it was noted that several activities discussed in the work plan (e.g. oversight of monitoring and sampling at springs identified as part of Task 3, Simplot OU) were not occurring. The discussion pursuant to this topic identified that the approved work plan attached to EPA's grant file (submitted September 19, 2012, attached as electronic file "EMF Final 2013 workplan 9-20-12.doc" in the Compass DataBase) was not the same workplan as that being used by the Tribes. Mr. Wright stated that his workplan was included in the grant documents sent to the Tribes for signature on October 8, 2012 and did not include any sampling activities. Mr. Wright stated that by the end of the day, he would send Ms. Jennings a copy of the workplan he was using. Mr. Solis agreed to check EPA's official file to verify EPA was referring to the actual approved workplan (this was verified).	
Is the actual work being performed within the scope of the recipient's work plan?	X		
Are the recipient's staff and facilities appropriate to handle the work under the agreement?	X		
Are the products/progress reports submitted on time?	X		
Are the products/progress reports acceptable?		Quarterly reports for 2013 have been incomplete, and in some cases inaccurate, and have not contained the information required under Section F.1.2 – Terms and Conditions of the award agreement. Mr. Wright was referred to the appropriate section of the agreement and notified that it was important to include information on each of the listed elements. Each element should be addressed for each task	

		<p>under the agreement. The EPA indicated that this was especially important since each task was funded by separate EPA account funds.</p> <p>The first and second quarter reports for 2013 were returned to the Tribes for revision. The reports were modified by the Tribes to correct deficiencies and resubmitted to the EPA. Upon acceptance of these revised reports, the EPA had told Mr. Wright that these same elements should be included in all future reports. The third quarter report was submitted with the same deficiencies as the unrevised first and second quarter reports. During the conference call, Mr. Wright concurred that changes to the third quarter report were needed. He agreed to revise the report and resubmit it by August 30.</p> <p>The EPA noted that the contents of these reports were important as they indicate the work that was actually completed and provide support for verifying appropriate expenditures under the award. As such, a more detailed report would be beneficial. To this end, Ms Jennings requested that the list of meetings, conference calls and reviewed documents include the month and date of the activity, not just the month.</p>	
Is the recipient making adequate progress in achieving outcomes and outputs and associated milestones in the assistance agreement workplan?	X		
If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?			X

Has the recipient complied with the programmatic terms and conditions on the award?		Quarterly reports have not been prepared consistent with terms and conditions on the award. See discussion above.	
Did the recipient purchase equipment/property as planned in the agreement?			X
Has the equipment been used as planned in the agreement?			X
Does this review indicate any need to amend the award?		There is no need to amend the award. However, it is recommended that the 2014 cooperative agreement be issued as a new award and not as an amendment to this award.	
If this award includes sub-awards, is the recipient complying with the sub-award policy requirements?			X